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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CORONAVIRUS REPORTER,
CALID INC,
PRIMARY PRODUCTIONS LLC,
DR. JEFFREY D. ISAACS,
on behalf of themselves and all others similarly
situated

Plaintiffs,

vs.

APPLE INC.

Defendant.

Case No. 3:21-cv-05567-EMC

NOTICE OF APPEAL

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Plaintiffs Coronavirus Reporter, CALID Inc, and Primary Productions hereby notice this appeal to the Ninth Circuit Court of Appeals concerning the District Court's November 30 Order Granting Motion to Dismiss, November 30 Judgment, and February 2 Denial of Rule 59/60 Motion for Reconsideration.

Attached is the Ninth Circuit Form 1 Notice of Appeal and Form 6 Representation Statement for this joint appeal.

Coronavirus Reporter had previously filed a Notice of Preliminary Injunction Appeal after the denial of the Motion for Preliminary Injunction. Upon information and belief, that Appeal was never processed as an immediate injunction appeal, which was the intent given that an evidentiary Rule 59/Rule 60 and Rule 37 Evidence Spoliation and Fraud on the Court Sanctions hearing had been requested by the parties. The time duration of those hearings, with discovery requested into the evidence spoliation, could have been significant to properly adjudicate. Because no evidentiary hearing was ever held on any of those motions, Plaintiffs now intend to consolidate the preliminary injunction appeal with this appeal of the wholly improper premature closure of this case.

This case garnered international press coverage regarding the importance of the underlying claims, notably, Apple's anticompetitive February 2020 rejection of world-renowned cardiologist Dr. Robert Robert's Coronavirus Reporter tracing app. As the forthcoming Opening Brief will detail, the case was pushed out of court as a result of multiple manifest errors of law and a breathtaking abuse of discretion.

Submitted on this 2nd day of February, 2022.

/s/ Keith Mathews

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and CALID
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CERTIFICATE OF SERVICE

I, Keith Mathews, do declare as follows:

I certify that a copy of the foregoing **NOTICE OF APPEAL** was delivered electronically to counsel for the Defendants with counsel, and emailed to those without known counsel.

Executed on this 2nd day of February, 2022.

/s/ Keith Mathews

Keith Mathews, *Pro Hac Vice*

Counsel for Coronavirus Reporter, Primary Productions
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